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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,331	09/30/2003	Marian Jozef Walter Slezak	15636.10	5315

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EXAMINER	
BUI, BRYAN	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,331	SLEZAK, MARIAN JOZEF WALTER	
	Examiner	Art Unit	
	Bryan Bui	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7 and 8* is/are rejected.

7)☒ Claim(s) *6 and 9-14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *012004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities: claim 2, line 1, does not show what's claim that claim 2 depend on? Claim 2 should be depended on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diede et al (US 6295018).

With respect to claims 1 and 7, Diede et al teach a level measurement system being powered by a two wire loop/current loop (column 2, lines 49-54), said level measurement system comprising: a transducer for emitting energy pulses and detecting reflected energy pulses (column 1, lines 35-42 and column 2, lines 58-66) ;a controller (figure 2, item 130) having a component for controlling said transducer and a component for determining a level measurement based on the time of flight of said reflected energy pulse (column 4, lines 9- 22). Diede et al discloses in figures 1 and 2, such a level transmitter coupled to process control loops and transmit information over control loops to control room with voltage source (power supply), loops (20) are sources

of power for transmitter and use any kind of industry standard communications protocol such as 4-20mA, remote transducer (column 2, lines 55+); low power microwave transceiver (figure 2, item 140) adapted to generate a microwave signal along termination (transmission energy line, or twin wire antenna having leads or conductors) and to receive reflected from reference impedance discontinuity includes storage capacitor component in charge (column 3, lines 54+); an input port for receiving excess power from the loop, a control terminal responsive to a control output from said controller for controlling the charging of said storage capacitor. Diede et al does not discloses the transducer including an input for receiving energy from said storage capacitor under the control of said controller (column 4, lines 9-67). However, Diede et al discloses highway addressable remote transducer (HART) according to a process industry standard protocol for communicating (transmitting/receiving), so it should mean to include the input in the HART as a requirement to receive energy from the storage capacitor. It would have been obvious to one of ordinary skill in the art to modify Diede et al teachings to include a HART as a transducer having input as a standard requirement to receive the energy from storage capacitor as claimed. The motivation for doing so would have been to provide the accurate level output relates to the electrical power from a two-wire/current loop of the process control loop as indicated by Diede et al at column 1, lines 16-42.

With respect to claims 2 and 8, wherein said power management unit includes a control terminal responsive to a control output from said controller for controlling the

charging of said storage capacitor (column 4, lines 23-30).

With respect to claims 3-5, further including a user interface module and a communication module for transmitting level measurement data over the two wire loop (column 4, lines 23-46); wherein said controller operates said transducer intermittently and based on the charging of said storage capacitor (column 3, lines 54+); wherein said controller operates said user interface module and said communication module continuously (figure 2).

Allowable Subject Matter

3. Claims 6, 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

02/02/05

BRYAN BUI
PRIMARY EXAMINER